

REMARKS**Specification**

The Examiner objected to the disclosure because serial numbers of several applications identified in the specification and incorporated by reference were not complete. The amendments to the specification set forth above correct that issue.

Claim Rejections – 35 USC §102

The Examiner rejected claims 1, 2 and 10 under 35 U.S.C. §102 as anticipated by DE 76186 and U.S. Patent No. 4,637,289 to Ramsden. (Applicant incorrectly identified the DE 76186 reference in a prior Information Disclosure Statement as a German document. It is actually Austrian patent document AT 76186 and it is hereinafter referred to as AT '186). The Examiner said AT '186 discloses a woodworking machine with a support structure 3, a cutting tool "a", a motor, a detection system "c/8/9" to detect a dangerous condition, and a reaction system 7 to cover the cutting tool upon detection of the dangerous condition. The Examiner said Ramsden discloses a machine that covers a cutting tool by retracting the cutting tool. Those rejections are traversed. Nevertheless, claim 1 has been amended to further specify what is being claimed. Claims 2 and 10 have been cancelled without prejudice.

Amended claim 1 requires "a reaction system adapted to cover the cutting portion of the cutting tool with a flexible material upon detection by the detection system of the dangerous condition." The AT '186 reference and Ramsden both fail to show a system adapted to cover a cutting portion with a flexible material. Therefore, the cited references do not anticipate amended claim 1.

Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 1 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of co-pending Application No. 09/929,235. Applicant disagrees with that rejection, but the issue is moot because claim 18 in Application No. 09/929,235 has been withdrawn from consideration in response to a restriction requirement. Accordingly, the double patenting rejection should be withdrawn.

Allowable Subject Matter

The Examiner objected to claims 3-5 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Instead of rewriting those claims in independent form, applicant has amended claim 1 as set forth above, and claims 3-5 all depend from claim 1.

New Claims

Applicant has amended the application to include new claims 11-22. New claims 11-19 all depend from amended claim 1 and should be allowable for the same reasons that claim 1 is allowable.

Now claim 20 defines a woodworking machine having "a generally circular and rotatable cutting tool with an outside surface; at least one cutting edge on the outside surface of the cutting tool, where the cutting edge is adapted to cut a workpiece when the cutting tool rotates;" and "a support structure adapted to support the cutting tool for rotation in an operative position whereby a workpiece to be cut can be brought into contact with the cutting edge." Those limitations distinguish band saws and machines

that include band blades, such as the machine disclosed in AT '186. New claim 20 further requires "a detection system to detect a dangerous condition between the cutting edge and a person; and a reaction system adapted to disable the cutting edge with the cutting tool in the operative position upon detection by the detection system of the dangerous condition." It would not be obvious to combine AT '186 with Ramsden to arrive at the machine specified in claim 20 because there is no teaching, suggestion or motivation how to combine the case "b" shown in AT '186 with a blade as shown in Ramsden. In fact, a case as shown in AT '186 would not cover the blade shown in Ramsden. Additionally, Ramsden does not teach, suggest or motivate the combination set forth in claim 20 because Ramsden does not disable a cutting edge with the cutting tool in an operative position. Thus, there is no teaching, suggestion or motivation in the prior art to disable the cutting edge of a generally circular and rotatable cutting tool as specified in new claim 20, and there is no reasonable expectation that the disclosures of AT '186 and Ramsden could be successfully combined.

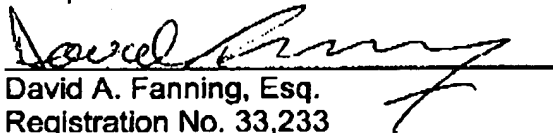
New claims 21 and 22 depend from claim 20 and should be allowable for the same reasons that claim 20 is allowable.

CONCLUSION

Applicant's currently pending claims, as amended, distinguish the cited references and therefore applicant requests that the application proceed to issuance. Please call the undersigned with any questions.

Respectfully submitted,

SD3, LLC



David A. Fanning, Esq.

Registration No. 33,233

Customer No. 27630

22409 S.W. Newland Road

Wilsonville, Oregon 97070

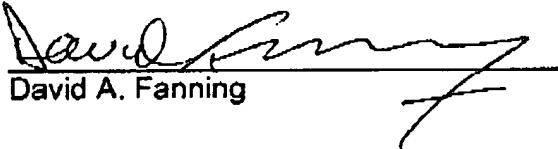
Telephone: (503) 638-6201

Facsimile: (503) 638-8601

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Date: March 3, 2004



David A. Fanning